

1-01-817
15
7/10/01

Sir:

The reason for this letter is I'm concerned about the status of T.R.O. Injunction, sent to the Court in or about the same time as the motion for enlargement of time. I'm concerned about the status of such, as I've not been informed, as I'm still being subjected to abuse, as I was issued a misconduct because I would not jump off the toilet and take door lock down curtain. Then a Cpt Wtby and C.O. Cory opened more minutes, while I was still on toilet, that had reason for provocation, then C.O. Cory comes around the Cpt and looks at me in a sexual manner. I should not have to endure this abuse and the enclosed motions should be granted. This is the second order sent. As the period of time there C.O. stood in door after taking papers down I felt I was being sexually harassed. See letter sent T.R.O.

FILED
SCRANTON

JUL 9 2001

PER

DEPUTY CLERK

Respectfully



Sir This institution and Camp Hill has failed as of this date to comply with order granting discovery as of this date I've not gotten a copy of any misconduct or grievances to Camp Hill or their decisions. As of July 4, 2001 I feel the respondents are in violation of this order and an injunction for relief should be imposed in the amount of \$150.00 per day for violation of that order granting discovery. Without such I can not adequately amend complaint.

Form DC-135A INMATE'S REQUEST TO STAFF MEMBER <div style="text-align: center; font-size: 1.5em;">1 of 2</div>	Commonwealth of Pennsylvania Department of Corrections INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.
1. To: (Name and Title of Officer) <u>Deputy Johnson</u>	2. Date: <u>7-4-01</u>
3. By: (Print Inmate Name and Number) <u>Kim Smith C.J. 2162</u> <u>Kim Smith</u> Inmate Signature	4. Counselor's Name <u>Mr. Maxer</u> 5. Unit Manager's Name <u>Mr. Smith</u>
6. Work Assignment <u>W/A</u>	7. Housing Assignment <u>D-2-19</u>
8. Subject: State your request completely but briefly. Give details. <u>On 7-4-01 during line movement, I put paper on door for privacy to take dump, as soon as I started, C.O. Partusyak was at my door ordering me to take paper down, I advised him I would as soon as I was done. He secondly called over speaker to take paper down, I advised him I would as soon as I was done. In second he called over speaker to take the paper down, I was not done, seconds later, Libby and C.O. Papp was at my door, opened the paper down, then stood there looking and disrespecting me in an actual manner. With all due respect, I should have been given consideration and respect while taking a dump and not be disrespected or forced such, putting myself at risk for health problems to comply with order. Now should I be expected to jump up off the toilet at a drop of a pen. How could you staff expect me to do something they are not willing to do. Now should I be disrespected to a point that I'm angered when taking a dump. Consideration should be given in such a state, I was given none, then I was disrespected as if I have no right to take a dump. Thank</u>	
9. Response: (This Section for Staff Response Only)	
To DC-14 CAR only <input type="checkbox"/> To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
 Print Sign

Form DC-135A		Commonwealth of Pennsylvania Department of Corrections	
INMATE'S REQUEST TO STAFF MEMBER		INSTRUCTIONS Complete items number 1-8. If you follow instructions in preparing your request, it can be responded to more promptly and intelligently.	
1. To: (Name and Title of Officer) <u>Deputy Johnson</u>		2. Date: <u>7-4-01</u>	
3. By: (Print Inmate Name and Number) <u>Kim Smith CT2162</u> <u>Kim Smith</u> Inmate Signature		4. Counselor's Name <u>Ms. Mover</u>	
5. Unit Manager's Name <u>Mr. Smith</u>		6. Work Assignment <u>U/A</u>	
7. Housing Assignment <u>D-2-19</u>		8. Subject: State your request completely but briefly. Give details. <u>a act of staff denied me the freedom of my rights and a invasion of my privacy and disrespect and abuse. I should not have to order. I should not have to be subjected to abuse or disrespect by C.O. Paslungh, Coney or Cpt. Wistig or be sexually harassed by Cpt. Wistig and Coney by them standing in line while I was on toilet with pants around my ankles.</u> <u>Respectfully Submitted</u> <u>Kim Smith</u> <u>Proof of Service</u> <u>Sent to U.S. District Court and</u> <u>Deputy on or about 7-4-01 on box</u> <u>their after</u> <u>CC on 7-4-01</u>	
9. Response: (This Section for Staff Response Only)			
To DC-14 CAR only <input type="checkbox"/>		To DC-14 CAR and DC-15 IRS <input type="checkbox"/>	

Staff Member Name _____ / _____ Date _____
Print Sign

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA

KIM SMITH
PLAINTIFF

vs.

JAMES MORGAN et al.,.

FILED
SCRANTON

JUL 9 2001

PER 
DEPUTY CLERK

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:CIVIL ACTION NO.1:01-0817
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:(CALDWELL J.)
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:(MANNION , M.J.)
:

TEMPORARY RESTRAINING ORDER

AND now comes Kim Smith a pro-se person not lettered in legal matters and without the aid of counsel moves in this motion for temporary restraining order to stop the abuses of the staff at State Correctional Institution Coal Township Pa. 17866-1021. And prays that a less stringent standard be applied to this pro-se motion, as plaintiff is not lettered in Pa. Rules of Criminal Procedure or most civil rights of Constitutional Rights that he may have advers following:

Plaintiff has been subjected to cruel punishment by staff in connection with an April 18, 2001 misconduct for disobeying an order when an RN Bernas knowingly and intentionally with malicious intent, willful and with malice cut me off my diabetic medication without orders or authority to do so, and in order to justify he incompetence her and a Lt. Jordan conspired to deprive interfere with plaintiff health care with deliberate intent issued a misconduct, and Nurse Ambrose, and Wolfgang conspired and interfere with health care and stop me from getting a blood test for my diabetes. This action put me at risk for serious health problems and even death. Plaintiff was given 45 days for this misconduct in which it was claimed by Deputy Warden Johnson, R. Smith Lt. Gula, Counselor Dunn the reason that I was placed in a hard cell was that I had a bad attitude, or that I voice my opinion towards being denied my diabetic medication. But known of this is a punishable charge that would

warrant me being subjected to cruel punishment. The R.H.U. staff and Lt. Gula hindered my due process rights and access to administrative remedies from bring an appeal to the misconduct and grievances filed and I have been denied my right to address this issue in court because their is not paper work stating that I filed an appeal and Camp Hill refused to address this issue as well as the warden, claiming these appeals were untimely by D.O.C. policy. Even though such was filed and sent plaintiff never got a reply to any of the appeals that he filed.

I was also stated that he would not get idel pay for 60 days and he would not be placed on a list for employment for 90 days after his release for the R.H.U. in violation of D.O.C. policy, causing me to be deprived and denied access to the court and to meet file dates, and paper to type petition as well as carbon paper.

See the attached exhibits in support of this motion and the 8th amendment violation and abuse as their is nothing in or on the tape of April 18, 2001 that would warrant the abuse and cruel punishment that the staff at this institution subject plaintiff to for a 45 day period of time, moreover dening him his due process rights as plaintiff filed grievance and appeals in a timely manner but they either never got to the grievance office or R.H.U. staff never forwarded them, none the less I was denied my appeal rights and afforded the right to be heard, and he fears for his safety as staff has already projected a level of indifference that may bring plaintiff harm in the denial of his diabetic medication and the placing him in a hard cell without provocation claiming he had a bad attitude, or that he ran his mouth and the tape of that date would show none of this that would warrant this level of abuse.

Whrerfore plaintiff prays that this motion would be granted.

RESPECTFULLY SUBMITTED

ORDER OF THE COURT

And, now this _____, day of _____, it is the order of this court that plaintiff's motion for temporary restraining order is granted until he is released from his incarceration and even if transferred this order will be in affect so plaintiff does not have to suffer retaliation act .

BY THE COURT

PROOF OF SERVICE

I certify a true and correct copy of this motion was sent to the below listed parties on or about June 25, 2001 by placing this in institutional mail box to be processed to the United States Postal Service to mail. *Sentence again on 7-4-01*

I certify the forgoing is true and correct under the penalty of perjury.

CLERKS OFFICE
UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
235
N. WASHINGTON AVE.
P.O. BOX 1148
SCARNTON PA. 18501

WARDEN GILLIS
KIM SMITH